

107TH CONGRESS
1ST SESSION

H. R. 3362

To amend the Clean Air Act to impose certain requirements on areas upwind of ozone nonattainment areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 28, 2001

Mr. CONDIT (for himself, Mr. MATSUI, Mr. DOOLITTLE, Mr. DOOLEY of California, Mr. FILNER, Mr. PETERSON of Minnesota, and Mr. RADANOVICH) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act to impose certain requirements on areas upwind of ozone nonattainment areas, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transported Air Pollu-
5 tion Mitigation Act of 2001”.

1 **SEC. 2. SIP REQUIREMENTS FOR AREAS UPWIND OF OZONE**
2 **NONATTAINMENT AREAS.**

3 (a) SIP REVISIONS FOR ALL AREAS.—Section
4 110(a) of the Clean Air Act is amended by inserting the
5 following new paragraph after paragraph (3):

6 “(4) For each area (hereinafter in this paragraph re-
7 ferred to as an ‘upwind area’) in a State which, as deter-
8 mined by the State, causes or significantly contributes to
9 a violation of the national ambient air quality standard
10 for ozone in another area (hereinafter in this paragraph
11 referred to as a ‘downwind area’) in the State, the State
12 shall submit, within 1 year of such determination, a revi-
13 sion of the applicable implementation plan that includes
14 a requirement that either—

15 “(A) the upwind area reduce emissions of ozone
16 or its precursors by an amount determined by the
17 State to be necessary to mitigate impacts commensurate
18 with the level of contribution caused by the
19 upwind area to air pollution concentrations in the
20 downwind area; or

21 “(B) the upwind area make payments to the
22 State or to an air quality district designated by the
23 State to compensate the downwind area in such
24 amounts as such State finds necessary to pay for the
25 costs of emission reduction measures required to be
26 undertaken in the downwind area to fully mitigate

1 the impacts of pollutants transported from the
 2 upwind area.”.

3 (b) REQUIREMENTS FOR MODERATE OZONE NON-
 4 ATTAINMENT AREAS.—Paragraph (4) of section 182(b) of
 5 the Clean Air Act is amended by adding the following at
 6 the end thereof:

7 “(B) For each moderate area which the State
 8 determines to cause or significantly contribute to a
 9 violation of the national ambient air quality stand-
 10 ards for ozone in a downwind area (as identified by
 11 the State under section 110(a)(4)), the State shall
 12 submit, within 1 year after such determination, a re-
 13 vision to the applicable implementation plan that in-
 14 cludes all provisions necessary to provide for an en-
 15 hanced vehicle inspection and maintenance program
 16 as described in paragraph (3) of subsection (c) of
 17 this section and the regulations of the Administrator
 18 adopted pursuant to such paragraph (3).”.

19 **SEC. 3. SIP REQUIREMENTS FOR STATES UPWIND OF**
 20 **OZONE NONATTAINMENT AREAS.**

21 (a) SIP REVISIONS FOR ALL AREAS.—Section 126
 22 of the Clean Air Act is amended by inserting the following
 23 new subsection after subsection (c):

24 “(d) STATES UPWIND OF OZONE NONATTAINMENT
 25 AREAS.—For each State (hereinafter in this subsection re-

1 ferred to as an ‘upwind State’) which, as determined by
2 the Administrator, causes or significantly contributes to
3 a violation of the national ambient air quality standard
4 for ozone in an area in one or more other States (herein-
5 after in this paragraph referred to as a ‘downwind area’),
6 the State shall submit, within 1 year of such determina-
7 tion, a revision of the applicable implementation plan pro-
8 visions adopted under section 110(a)(2)(D)(ii) that con-
9 tains either or both the following:

10 “(1) Provisions under which the upwind State
11 will require reductions in emissions of ozone or its
12 precursors by an amount determined by the Admin-
13 istrator to be necessary to mitigate impacts commensurate with the level of contribution caused by
14 sources in the upwind State to ozone concentrations
15 in the downwind area.

17 “(2) Provisions under which the upwind State
18 will make payments to the State or States in which
19 all or part of the downwind area is located or to an
20 air quality district designated by the Administrator
21 to compensate such State or States in such amounts
22 as the Administrator finds necessary to pay for the
23 costs of emission reduction measures required to be
24 undertaken in the downwind area to fully mitigate

1 the impacts of pollutants transported from the
2 upwind State.”.

3 (b) REQUIREMENTS FOR MODERATE OZONE NON-
4 ATTAINMENT AREAS.—Paragraph (4) of section 182(b) of
5 the Clean Air Act is amended by adding the following at
6 the end thereof:

7 “(C) For each moderate area which the Admin-
8 istrator determines to cause or significantly con-
9 tribute to a violation of the national ambient air
10 quality standards for ozone in a downwind area (as
11 identified by the Administrator under section
12 126(d)), the State shall submit, within 1 year after
13 such determination, a revision to the applicable im-
14 plementation plan that includes all provisions nec-
15 essary to provide for an enhanced vehicle inspection
16 and maintenance program as described in paragraph
17 (3) of subsection (c) of this section and the regula-
18 tions of the Administrator adopted pursuant to such
19 paragraph (3).”.

20 **SEC. 4. MAINTENANCE PLANS.**

21 (a) REQUIREMENTS FOR MAINTENANCE PLANS.—(1)
22 Subsection (a) of section 175A of the Clean Air Act is
23 amended by adding the following at the end thereof: “Such
24 plan shall also be amended within 1 year after the later
25 of—

1 “(1) the date of enactment of the Transported
2 Air Pollution Mitigation Act of 2001, or

3 “(2) the date on which the request under sec-
4 tion 107(d) is submitted

5 to include measures to provide for an enhanced vehicle in-
6 spection and maintenance program as described in para-
7 graph (3) and (4) of section 182(c) and the regulations
8 of the Administrator adopted pursuant to such paragraphs
9 if the State determines that the area requesting redesigna-
10 tion is causing or significantly contributing to a violation
11 of the national ambient air quality standards for ozone
12 in a downwind area (as identified by the State under sec-
13 tion 110(a)(4)) or if the Administrator determines that
14 the area requesting redesignation is causing or signifi-
15 cantly contributing to a violation of the national ambient
16 air quality standards for ozone in a downwind State (as
17 identified by the Administrator under section 126(d)).”.

18 (b) TRANSPORT MITIGATION.—Section 175A of the
19 Clean Air Act is amended by adding the following at the
20 end thereof:

21 “(e) TRANSPORT MITIGATION.—Each plan adopted
22 under this section shall be amended within 1 year after
23 the enactment of this subsection to require that any
24 upwind area (as identified by the State under section
25 110(a)(4)) and any upwind State (as identified by the Ad-

1 ministrator under section 126(d)) that is designated as an
2 attainment area that causes or significantly contributes to
3 a violation of the national ambient air quality standard
4 for ozone in any downwind area (as identified under sec-
5 tion 110(a)(4) or section 126(d)) shall be required by the
6 applicable implementation plans under section 110 and
7 this part to implement all measures with respect to the
8 air pollutant concerned which were contained in the State
9 implementation plan for such upwind area before its re-
10 designation as an attainment area. Such measures shall
11 include all existing control measures, as well as any con-
12 trol measures not yet implemented that are necessary to
13 fully mitigate the transport of ozone and its precursors
14 to such downwind areas. There shall be no relaxation or
15 rescission of any control measure or rule in the upwind
16 area or unwind State as long as sources in such upwind
17 area or State cause or contribute to a violation of the na-
18 tional ambient air quality standard for ozone in any such
19 downwind area.”.

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